



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1996

Mr. David Weaver  
General Counsel  
State Securities Board  
200 East 10th Street, 5th Floor  
Austin, Texas 78701

OR96-2446

Dear Mr. Weaver:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102852.

The State Securities Board ( the "Board") received two requests for information concerning an investigation of a complaint. You inform us that the Board has released to the requestor portions of the requested information. However, you assert that certain information is excepted from required public disclosure based on Government Code sections 552.101, 552.108 and 552.111.

Section 552.101 excepts from public disclosure information that is made confidential by law, including information made confidential by statute. You raise V.T.C.S. article 581-28, which authorizes the Board to obtain information in the course of investigations conducted under the Securities Act. Article 581-28(B) reads in pertinent part as follows:

To the extent not already provided for by this Act, any intraagency or interagency notes, memoranda, reports, or other communications consisting of advice, analyses, opinions, or recommendations shall be treated as confidential by the Commissioner and shall not be disclosed to the public, except under order of court, for good cause shown.

We have reviewed the information at issue and conclude that it is within article 581-28(B). Consequently, the Board must not release the information to the requestor, except under order of a court for good cause shown. Gov't Code § 552.101.

In light of our decision under section 552.101, we need not address your other claimed exceptions. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 102852

Enclosures: Submitted documents

cc: Ms. Jerry Zeretzke  
14426 Perchin  
San Antonio, Texas 78247  
(w/o enclosures)